

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 451**

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**Introduced by Assembly Member De Leon**

February 24, 2009

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An act to amend Sections 52055.57 and 52059 of, and to add Section 52055.575 to, the Education Code, relating to public school accountability.

### LEGISLATIVE COUNSEL'S DIGEST

AB 451, as amended, De Leon. ~~Education finance: The Opportunity to Learn Block Grant.~~ *Public school accountability: grants.*

(1) The Public Schools Accountability Act of 1999 requires the State Department of Education to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001, and to notify those local educational agencies, in writing, of this status and provide those local educational agencies with research-based criteria to conduct a voluntary self-assessment. The Public Schools Accountability Act requires a local educational agency identified as a program improvement local educational agency under the federal No Child Left Behind Act of 2001 to perform specified tasks, including conducting a self-assessment and implementing a local educational agency plan. The Public Schools Accountability Act authorizes a local educational agency identified for corrective action and subject to a sanction to apply for a one-year, nonrenewable grant of federal improvement funding to assist in its improvement process.

The Public Schools Accountability Act specifies the grant amount for each eligible local educational agency based on the severity of the agency's performance problems.

This bill would delete those requirements and increase the specified amounts for the one-year, nonrenewable grant. The bill would require the Superintendent of Public Instruction and the State Board of Education to consider whether the local educational agency received funding pursuant to (2) below when determining whether the local educational agency shall contract with a district assistance and intervention team or other technical assistance provider. For the 2009–10 fiscal year only, the bill would require that a local educational agency that received a sanction prior to January 1, ~~2009~~ 2010, and received a one-year, nonrenewable grant be provided with an additional one-time, nonrenewable grant of federal improvement funding, as specified.

(2) This bill would authorize a local educational agency that *is not in corrective action and* has schools under its jurisdiction in year 4 or 5 *and beyond* of program improvement under the federal No Child Left Behind Act to apply for a one-year, nonrenewable grant of federal improvement funding in the amount of \$150,000 to assist in improving those schools and would authorize the agency to expend the grant funding over the time period allowable under federal law. As a condition of receiving funding, the bill would require a local educational agency to comply with specified requirements, including providing schools in year ~~four~~ 4 or ~~five~~ 5 *and beyond* of program improvement with funding to implement technical assistance, establishing a district school liaison team, ensuring that all pupils enrolled in a school in year ~~four~~ 4 or ~~five~~ 5 *and beyond* of program improvement continue to have the option to transfer to another public school served by the local educational agency, and ensuring that all pupils enrolled in a school in year ~~four~~ 4 or ~~five~~ 5 *and beyond* of program improvement continue to have supplemental educational services available to them. In allocating those funds, the bill would require the department to give first priority to schools in year 5 *and beyond* of program improvement under federal law. *Educational agencies that receive funding must allocate a minimum of 85% of the grant to improve academic achievement of pupils, and may allocate 15% for technical assistance activities that benefit all program improvement schools, as specified. The bill would require local educational agencies that receive funds to provide annual evaluation reports containing specified data to the Superintendent.* These provisions

would become operative only if an appropriation is made for other purposes in the annual Budget Act or another statute.

(3) This bill also would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52055.57 of the Education Code is  
2 amended to read:

3 52055.57. (a) Provisions that are applicable to local educational  
4 agencies under this section are for the purpose of implementing  
5 federal requirements under the federal No Child Left Behind Act  
6 of 2001 (20 U.S.C. Sec. 6301 et seq.). The satisfaction of these  
7 criteria by local educational agencies that choose to participate  
8 under this article shall be a condition of receiving funds pursuant  
9 to this section.

10 (b) A local educational agency that has been identified for  
11 corrective action under the federal No Child Left Behind Act of  
12 2001 shall be subject to one or more of the following sanctions as  
13 recommended by the Superintendent and approved by the state  
14 board:

15 (1) Replacing local educational agency personnel who are  
16 relevant to the failure to make adequate yearly progress.

17 (2) Removing schools from the jurisdiction of the local  
18 educational agency and establishing alternative arrangements for  
19 the governance and supervision of those schools.

20 (3) Appointing, by the state board, a receiver or trustee, to  
21 administer the affairs of the local educational agency in place of  
22 the county superintendent of schools and the governing board.

23 (4) Abolishing or restructuring the local educational agency.

24 (5) Authorizing pupils to transfer from a school operated by the  
25 local educational agency to a higher performing school operated  
26 by another local educational agency, and providing those pupils  
27 with transportation to those schools, in conjunction with carrying  
28 out not less than one additional action described under this  
29 paragraph.

30 (6) Instituting and fully implementing a new curriculum that is  
31 based on state academic content and achievement standards,  
32 including providing appropriate professional development based

1 on scientifically based research for all relevant staff, that offers  
2 substantial promise of improving educational achievement for  
3 high-priority pupils.

4 (7) Deferring programmatic funds or reducing administrative  
5 funds.

6 (c) (1) The department shall develop, and the state board shall  
7 approve at a public meeting, objective criteria by which a local  
8 educational agency identified for corrective action and subject to  
9 a sanction listed under subdivision (b) shall be evaluated to  
10 determine the pervasiveness and severity of its performance  
11 problems and the sanction to be imposed.

12 (2) A local educational agency identified for corrective action  
13 and subject to a sanction listed under subdivision (b) may apply  
14 for a one-year, nonrenewable grant of federal improvement funding  
15 to assist in its improvement process, including improving the  
16 academic achievement of schools under its jurisdiction identified  
17 for program improvement pursuant to federal law. A local  
18 educational agency may expend that grant funding over the time  
19 period allowable under federal law. It is the intent of the Legislature  
20 to integrate federal funding that is available for this purpose,  
21 including, but not limited to, funding for program improvement  
22 and school improvement grants pursuant to Section 6303 of Title  
23 20 of the United States Code.

24 (3) The amount of a grant for a local educational agency with  
25 extensive and severe performance problems shall be two hundred  
26 thousand dollars (\$200,000) per school identified for program  
27 improvement pursuant to federal law. The amount of a grant for  
28 a local educational agency with moderate performance problems  
29 shall be one hundred fifty thousand dollars (\$150,000) per school  
30 identified for program improvement pursuant to federal law. The  
31 amount of a grant for a local educational agency with minor or  
32 isolated performance problems shall be one hundred thousand  
33 dollars (\$100,000) per school identified for program improvement  
34 pursuant to federal law.

35 (4) (A) A local educational agency that receives funding under  
36 this subdivision shall use the funds in accordance with Section  
37 6316(b) and (c) of Title 20 of the United States Code. Pursuant to  
38 the technical assistance requirements under the federal No Child  
39 Left Behind Act of 2001 outlined in Section 6312(b) and (c) and  
40 Section 6317 of Title 20 of the United States Code, the

1 Superintendent may recommend, and the state board may approve,  
2 that a local educational agency contract with a district assistance  
3 and intervention team or other technical assistance provider to  
4 receive guidance, support, and technical assistance in improving  
5 the academic achievement of schools under its jurisdiction, with  
6 a focus on schools identified for program improvement pursuant  
7 to federal law. A district intervention and assistance team or other  
8 technical provider with which a local educational agency is required  
9 to contract shall perform the duties specified in subdivision (e) of  
10 Section 52059.

11 ~~(B) The Superintendent and the state board shall consider~~ *shall*  
12 *consider in making recommendations to the state board pursuant*  
13 *to subdivision (b)* whether the local educational agency received  
14 funding pursuant to Section 52055.575 when determining whether  
15 the local educational agency shall contract with a district assistance  
16 and intervention team or other technical assistance provider  
17 pursuant to this paragraph. *When determining a sanction for a*  
18 *local educational agency pursuant to subdivision (b), the state*  
19 *board shall consider whether the local educational agency received*  
20 *funding pursuant to Section 52055.575.*

21 (5) Notwithstanding any other law, a local educational agency  
22 that receives funding under this subdivision or that receives other  
23 federal funds for school improvement shall not use those funds to  
24 compensate a receiver or trustee assigned by the state board  
25 pursuant to paragraph (3) of subdivision (b).

26 (d) A local educational agency that has received a sanction under  
27 subdivision (b) and has not exited program improvement under  
28 the federal No Child Left Behind Act of 2001 shall appear before  
29 the state board within three years to review the progress of the  
30 local educational agency. Upon hearing testimony and reviewing  
31 written data from the local educational agency, the district  
32 assistance and intervention team, or county superintendent of  
33 schools, the Superintendent shall recommend, and the state board  
34 may approve, an alternative sanction under subdivision (b), or may  
35 take any appropriate action.

36 (e) For the 2009–10 fiscal year only, a local educational agency  
37 that received a sanction pursuant to subdivision (b) prior to January  
38 1, ~~2009~~ 2010, and received funding pursuant to paragraph (2) of  
39 subdivision (c) shall be provided with an additional one-time,  
40 nonrenewable grant of federal improvement funding to assist in

1 its improvement process and may expend that grant funding over  
2 the time period allowable under federal law. The Superintendent  
3 shall recommend, and the state board shall approve, a grant amount  
4 equal to the difference between the amount the local educational  
5 agency received for the sanction that the state board approved prior  
6 to January 1, ~~2009~~ 2010, and the grant amounts specified in  
7 paragraph (2) of subdivision (c).

8 *(f) As a condition of receiving funding pursuant to this section,*  
9 *local educational agencies shall provide annual reports of*  
10 *evaluation data requested by the Superintendent. The evaluation*  
11 *reports, at a minimum, shall include the following:*

12 *(1) The total number and percentage of students who are*  
13 *proficient in reading/language arts and mathematics in each*  
14 *school, and whether that number and percentage increased from*  
15 *the prior year.*

16 *(2) The number of schools in the local educational agency that*  
17 *make adequate yearly progress, and the number of schools that*  
18 *exit program improvement status.*

19 *(3) Evidence that the local educational agency and its schools*  
20 *used data to make decisions about the use of this funding and*  
21 *created a system of continuous feedback and improvement.*

22 *(4) Evidence indicating those school improvement strategies*  
23 *that were effective in contributing to increased student achievement*  
24 *and schools making adequate yearly progress and exiting*  
25 *improvement.*

26 ~~(f)~~

27 *(g) For purposes of this article, “local educational agency”*  
28 *means a school district, county office of education, or charter*  
29 *school that elects to receive its funding directly pursuant to Section*  
30 *47651, and that provides public educational services to pupils in*  
31 *kindergarten or any of grades 1 to 12, inclusive.*

32 SEC. 2. Section 52055.575 is added to the Education Code, to  
33 read:

34 52055.575. (a) A local educational agency that *is not in*  
35 *corrective action and that* has schools under its jurisdiction in year  
36 four or five *and beyond* of program improvement under the federal  
37 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.)  
38 may apply for a one-year, nonrenewable grant of federal  
39 improvement funding to assist in improving those schools and  
40 may expend the grant funding over the time period allowable under

1 federal law. In utilizing funds provided to schools in this paragraph,  
2 a local educational agency may contract with an outside entity on  
3 behalf of schools in year four or five *and beyond* of program  
4 improvement, including, but not limited to, a schoolsite assistance  
5 and intervention team as defined in subparagraph (b) of Section  
6 52055.51 to assist with the assessment of the schoolsite plan. *If a*  
7 *local educational agency contracts with a schoolsite assistance*  
8 *and intervention team pursuant to this section, the local*  
9 *educational agency must choose a schoolsite assistance and*  
10 *intervention team on the approved list established pursuant to*  
11 *subdivision (c) of Section 52055.51.*

12 (b) As a condition of receiving funding, a local educational  
13 agency shall do all of the following:

14 (1) Provide schools in year four or five *and beyond* of program  
15 improvement under the federal No Child Left Behind Act of 2001  
16 with funding to implement technical assistance pursuant to the  
17 federal No Child Left Behind Act of 2001 outlined in Section  
18 6312(b) and (c) and Section 6317 of Title 20 of the United States  
19 Code to improve academic achievement, with focus on significant  
20 subgroups. This funding shall be used to assess the current  
21 schoolsite plan for academic achievement to identify any  
22 deficiencies that exist within the operations of the schoolsite, and  
23 the programs and services of the schoolsite, including the use of  
24 existing funds at the schoolsite. As part of this process, schoolsites  
25 shall include the district liaison team established pursuant to  
26 paragraph (2) and school staff, including, but not limited to,  
27 teachers and administrators.

28 (A) The assessment of the schoolsite plan shall use materials  
29 and criteria based on current research and existing tools  
30 recommended by the department.

31 (B) The assessment of the schoolsite plan shall include  
32 recommendations on addressing deficiencies in academic  
33 achievement, with focus on significant subgroups. The assessment  
34 shall include a detailed description of how existing state and federal  
35 schoolsite and school district resources will be used to implement  
36 improvements in academic achievement with a focus on significant  
37 subgroups. ~~For year five program improvement schools, the~~ *The*  
38 assessment shall include specific recommendations to implement  
39 restructuring requirements pursuant to Section 6316(b)(8) of Title  
40 20 of the United States Code. *The assessment shall also include*

1 *a description of the parent involvement practices used by the*  
2 *schoolsite pursuant to the No Child Left Behind Act of 2001 (20*  
3 *U.S.C. 6301 et seq.) and Chapter 16 (commencing with Section*  
4 *11500).*

5 (C) No later than 60 days after the local educational agency  
6 receives funding pursuant to subdivision (c), schools in program  
7 improvement year four or five *and beyond* shall complete the  
8 assessment of the schoolsite plan and submit it to *its governing*  
9 *board and* the department.

10 (D) No later than 90 days after the local education agency  
11 receives funding pursuant to subdivision (c), the governing board  
12 of the local ~~education~~ *educational* agency shall approve the  
13 assessment and its recommendations at a regularly scheduled public  
14 meeting.

15 (2) Establish a district school liaison team to coordinate with  
16 schools in year four or five *and beyond* of program improvement  
17 under the federal No Child Left Behind Act of 2001 to improve  
18 academic achievement at each school, with focus on significant  
19 subgroups. The district liaison team shall work with schoolsite  
20 staff, including, but not ~~limited,~~ *to limited to*, teachers and  
21 administrators, to reexamine *current schoolsite conditions and*  
22 *efforts to improve school performance, including* its schoolsite  
23 plan for academic achievement pursuant to paragraph (1) *to*  
24 *increase its effectiveness*. The district liaison team shall ensure the  
25 assessment conducted by a school in year four or five *and beyond*  
26 of program improvement is consistent with the local educational  
27 agency plan required under Section 6312 of Title 20 of the United  
28 States Code.

29 (3) Ensure that all *eligible* pupils enrolled in a school in year  
30 four or five *and beyond* of program improvement under the federal  
31 No Child Left Behind Act of 2001 continue to have the option to  
32 transfer to another public school served by the local educational  
33 agency pursuant to Section 6316(b)(1)(E) of Title 20 of the United  
34 States Code.

35 (4) Ensure that all *eligible* pupils enrolled in a school in year  
36 four or five *and beyond* of program improvement under the federal  
37 No Child Left Behind Act of 2001 continue to have supplemental  
38 educational services available to them pursuant to Section  
39 6316(e)(1) of Title 20 of the United States Code.



(c) Subject to the availability of funds in the annual Budget Act for this purpose, the amount of a grant for a local educational agency with schools in year four or five *and beyond* program improvement *and that has not received funding under subdivision (c) of Section 52055.57*, shall be one hundred fifty thousand dollars (\$150,000) per school identified in year four or five *and beyond* schools in program improvement pursuant to federal law. In allocating these funds, the department shall give first priority to schools in year five *and beyond* of program improvement under federal law.

(1) *A local educational agency that receives funding under this subdivision shall ensure that a minimum of 85 percent of their total one-time grant amount received pursuant to this section is utilized for technical assistance activities to improve the academic achievement of pupils at schools under their jurisdiction in year four and five and beyond of program improvement pursuant to federal law.*

(2) *A local educational agency that receives funding under this subdivision may utilize 15 percent of their total one-time grant amount for technical assistance activities that benefit all program improvement schools under their jurisdiction pursuant to federal law and that meet the requirements of this section.*

(d) A local educational agency may provide funds allocated pursuant to subdivision (c) to schools in year four or five *and beyond* of program improvement to implement the recommendations of the assessment pursuant to paragraph (1) of subdivision (b). A local educational agency that receives funding under this subdivision shall use the funds in accordance with Section 6303 of Title 20 of the United States Code.

(e) Schools that receive funds pursuant to subdivision (d) may provide the following:

(1) Assistance to schoolsite staff in analyzing pupil assessment data to improve academic achievement, with focus on significant subgroups.

(2) Professional development that is based on scientifically based research, the state-adopted academic content standards, and addresses the instructional needs of pupils, with focus on English language learners and pupils with special needs.

(f) *As a condition of receiving funding pursuant to this section, local educational agencies shall provide annual reports of*

1 *evaluation data requested by the Superintendent. The evaluation*  
2 *reports, at a minimum, shall include the following:*

3 *(1) The total number and percentage of students who are*  
4 *proficient in reading/language arts and mathematics in each*  
5 *school, and whether that number and percentage increased from*  
6 *the prior year.*

7 *(2) The number of schools in the local educational agency that*  
8 *make adequate yearly progress, and the number of schools that*  
9 *exit program improvement status.*

10 *(3) Evidence that the local educational agency and its schools*  
11 *used data to make decisions about the use of this funding and*  
12 *created a system of continuous feedback and improvement.*

13 *(4) Evidence indicating those school improvement strategies*  
14 *that were effective in contributing to increased student achievement*  
15 *and schools making adequate yearly progress and exiting*  
16 *improvement.*

17 ~~(f)~~  
18 *(g) For purposes of this article, “local educational agency”*  
19 *means a school district, county office of education, or charter*  
20 *school that elects to receive its funding directly pursuant to Section*  
21 *47651, and that provides public educational services to pupils in*  
22 *kindergarten or any of grades 1 to 12, inclusive.*

23 ~~(g)~~  
24 *(h) This section shall become operative only if an appropriation*  
25 *is made for its purposes in the annual Budget Act or another statute.*

26 SEC. 3. Section 52059 of the Education Code is amended to  
27 read:

28 52059. (a) For purposes of complying with the federal No  
29 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a  
30 statewide system of school support shall be established by the  
31 department to provide a statewide system of intensive and sustained  
32 support and technical assistance for school districts, county offices  
33 of education, and schools in need of improvement. The system  
34 shall consist of regional consortia as well as district assistance and  
35 intervention teams and other technical assistance providers.

36 (b) The regional consortia shall work collaboratively with, and  
37 provide technical assistance to, school districts and schools in need  
38 of improvement by doing the following:

39 (1) Reviewing and analyzing all facets of the operation of a  
40 local educational agency or school, including the following:

1 (A) The design and operation of the instructional program  
2 offered by the local educational agency or school.

3 (B) The recruitment, hiring, and retention of principals, teachers,  
4 and other staff, including vacancy issues. The regional consortia  
5 may request the assistance of the Fiscal Crisis and Management  
6 Assistance Team to review school district or school recruitment,  
7 hiring, and retention practices.

8 (C) The roles and responsibilities of district and school  
9 management personnel.

10 (2) Assisting the local educational agency or school in  
11 developing recommendations for improving pupil performance  
12 and school operations.

13 (3) Assisting the local educational agency or school in efforts  
14 to eliminate misassignments of certificated personnel.

15 (c) For purposes of performing the functions specified in  
16 subdivision (b), funds for the regional consortia shall be distributed  
17 based on the number of Title I schools, the pupil enrollment in  
18 those schools, and the number of school districts in each region  
19 that have been identified as being in need of improvement pursuant  
20 to Section 6316 of Title 20 of the United States Code.

21 (d) The regional consortia shall ensure that support is provided  
22 in the following order of priority:

23 (1) To school districts or county offices of education with  
24 schools that are subject to corrective action under Section  
25 6316(b)(7) of Title 20 of the United States Code *and have not*  
26 *received funding pursuant to subdivision (b) of Section 52055.57*  
27 *or Section 52055.575.*

28 (2) To school districts or county offices of education with  
29 schools that are identified as being in need of improvement  
30 pursuant to Section 6316(b) of Title 20 of the United States Code.

31 (3) To provide support and assistance to school districts and  
32 county offices of education with schools participating under the  
33 federal No Child Left Behind Act of 2001 that need support and  
34 assistance to achieve the purposes of that act.

35 (4) To provide support and assistance to other school districts  
36 and county offices of education with schools participating in a  
37 program carried out under this chapter.

38 (e) In accordance with paragraph (4) of subdivision (d) of  
39 Section 52055.57, the Superintendent may recommend, and the  
40 state board may approve, that a local educational agency that has

1 been identified for corrective action under the federal No Child  
2 Left Behind Act of 2001 contract with a district assistance and  
3 intervention team or other technical assistance provider to receive  
4 technical assistance, including, but not limited to, a needs  
5 assessment of the local educational agency in order to improve the  
6 academic achievement of schools under its jurisdiction identified  
7 for program improvement pursuant to federal law.

8 (1) The Superintendent shall develop, and the state board shall  
9 approve, standards and criteria to be applied by a district assistance  
10 and intervention team or other technical assistance provider in  
11 carrying out its duties. The standards and criteria that a district  
12 assistance and intervention team or other technical assistance  
13 provider shall use in assessing a local educational agency shall  
14 address, at a minimum, all of the following areas:

15 (A) Governance.

16 (B) Alignment of curriculum, instruction, and assessments to  
17 state standards.

18 (C) Fiscal operations.

19 (D) Parent and community involvement.

20 (E) Human resources.

21 (F) Data systems and achievement monitoring.

22 (G) Professional development.

23 (2) Not later than 120 days after the assignment of a district  
24 assistance and intervention team or other technical assistance  
25 provider, or the next regularly scheduled meeting of the state board  
26 following the expiration of the 120 days, the team shall complete  
27 a report based on the findings from the needs assessment performed  
28 pursuant to paragraph (1). The report shall include, at a minimum,  
29 recommendations for improving the areas specified in paragraph  
30 (1) that are found to need improvement. The report also shall  
31 address the manner in which existing resources should be redirected  
32 to ensure that the recommendations can be implemented.

33 (3) Not later than 30 days after completion of the report specified  
34 in paragraph (2), the governing board of the local educational  
35 agency may submit an appeal to the Superintendent to be exempted  
36 from implementing one or more of the recommendations made in  
37 the report. The Superintendent, with approval of the state board,  
38 may exempt the local educational agency from complying with  
39 one or more of the recommendations made in the report.

1 (4) Not later than 60 days after completion of the report, the  
2 governing board of the local educational agency shall adopt the  
3 report recommendations described in paragraph (2), as modified  
4 by any exemptions granted by the Superintendent under paragraph  
5 (3), at a regularly scheduled meeting of the governing board.

6 (f) A local educational agency that is required to contract with  
7 a district assistance and intervention team or other technical  
8 assistance provider pursuant to this section shall reserve funding  
9 provided under subdivision (d) of Section 52055.57 to cover the  
10 entire cost of the team or other technical assistance provider before  
11 using that funding for other reform activities.

12 (g) Upon an evidence-based finding that a district assistance  
13 and intervention team or other technical assistance provider has  
14 not fulfilled its legal obligations pursuant to this section, the  
15 Superintendent, with the approval of the state board, may remove  
16 the district assistance and intervention team or other technical  
17 assistance provider from the state list of eligible providers.

18 (h) The provisions of this section are declarative of technical  
19 assistance requirements under the federal No Child Left Behind  
20 Act of 2001 outlined in Section 6316(b) and (c) and Section  
21 6317(a) of Title 20 of the United States Code.

22 (i) For purposes of this article, all references to schools shall  
23 include charter schools.